



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU APPROVES SETTLEMENT AGREEMENT AND REQUEST FOR WITHDRAWAL OF PLEADINGS

File No. 0006932939

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) approves a Settlement Agreement—and a related request to withdraw pleadings—between Northwest Missouri Cellular Limited Partnership (the Partnership) and Nicholas Robb, as court-appointed receiver for Oregon Farmers Mutual Telephone Company (OFM), regarding the status of OFM's interest in the Partnership.¹ The Settlement Agreement resolves litigation of multiple disputes, including the status of OFM's interest in the Partnership.

On September 1, 2015, the Partnership filed an application for consent to the involuntary transfer of control of the Partnership, asserting that an involuntary transfer of control had occurred on April 6, 2015, as the result of OFM's withdrawal from the Partnership by operation of Delaware law and the Partnership's organizational documents.² OFM protested the application by filing an Informal Request for Commission Action on September 29, 2015 (Informal Request), followed by an October 26, 2015, Petition for Reconsideration of the Commission's acceptance of the application (Petition), asserting that OFM's partnership interest had not extinguished by operation of law.³ The Partnership opposed OFM's Informal Request and its Petition.⁴

In their Withdrawal Request, the parties state that they have resolved their disputes through mediation and entered into the Settlement Agreement.⁵ The Circuit Court of Holt County, Missouri, approved the Settlement Agreement on April 3, 2017.⁶ The parties have stipulated that OFM was no

¹ See Oregon Farmers Mutual Telephone Company and Northwest Missouri Cellular Limited Partnership Request for Approval of Withdrawal of Pleadings (Withdrawal Request) and Settlement Agreement and Mutual Release (Settlement Agreement), ULS File No. 0006932939 (filed May 3, 2017).

² ULS File No. 0006932939.

³ *Id.*

⁴ *Id.*

⁵ Withdrawal Request at 2.

⁶ Case No. 14 HO – CC00011, In the Matter of Townes Missouri, Inc. v. Oregon Farmers Mutual Telephone Co., *et al.*

longer a general or limited partner of the Partnership, effective April 6, 2015.⁷ On May 3, 2017, the parties filed the Withdrawal Request seeking approval to withdraw the Informal Request, the Petition, and all related pleadings.

We review the Settlement Agreement and Withdrawal Request under Section 1.935 of the Commission's rules.⁸ Section 1.935 requires parties that have filed a pleading against an application to obtain Commission approval to withdraw the pleading.⁹ As part of the request for Commission approval, the parties must submit certifications that confirm that any payment of money or other consideration will not exceed the legitimate and prudent expenses associated with preparation and prosecution of the relevant filings, identify the nature and amount of any consideration, and either provide a copy of any written agreement or summarize the terms of any oral agreement.¹⁰

We have carefully reviewed the Withdrawal Request, the Settlement Agreement, and the parties' Section 1.935 certifications. We find that approval of the agreement and request will serve the public interest by permitting the resolution of a dispute pending before the Bureau and providing interested parties regulatory certainty. We accordingly approve the Settlement Agreement and the Withdrawal Request and hereby dismiss, with prejudice, the Informal Request, the Petition, and all related pleadings in this proceeding.

For further information, please contact Kathy Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609 or kathy.harris@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, taken pursuant to Sections 1, 308, and 309 of the Communications Act of 1934, as amended,¹¹ and Sections 0.331 and 1.935 of the Commission's rules.¹²

⁷ Settlement Agreement Paragraph 3(a). The end of OFM's general partnership interest in the Partnership results in the pro rata increase of the remaining partners' ownership interest in the Partnership.

⁸ 47 CFR § 1.935.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 47 U.S.C. §§ 151, 308, 309.

¹² 47 CFR §§ 0.331, 1.935.